

**Form 40. Subpoena.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State ZIP

\_\_\_\_\_  
Telephone

IN THE \_\_\_\_\_ COURT, \_\_\_\_\_, STATE OF UTAH  
\_\_\_\_\_ COUNTY

\_\_\_\_\_  
Plaintiff,

vs.

\_\_\_\_\_  
Defendant(s)

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**SUBPOENA**

Civil \_\_\_\_\_

To: \_\_\_\_

**YOU ARE COMMANDED:**

[ ] to appear in the \_\_\_\_\_ Court at the place, date and time specified below to testify in the above case.

[ ] to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

[ ] to produce or permit inspection and copying of the following documents or objects at the place, date and time specified below (list documents or objects):

\_\_\_\_\_  
\_\_\_\_\_

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[ ] to permit inspection of the following premises at the date and time specified below.

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PLACE

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other person who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Utah Rules of Civil Procedure.

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ISSUING OFFICER'S SIGNATURE AND TITLE  
(INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

### **NOTICE TO PERSONS ARRANGING TO SERVE A SUBPOENA**

Service of subpoena shall be made as provided in Rule 4(e), Utah Rules of Civil Procedure, for the service of process **and**, if the person's appearance is commanded, **by tendering (e.g., attaching a check or other form of payment) to that person of the fees** for one day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the United States, or this state, or any office or agency of either, fees and mileage need not be tendered.

### **NOTICE TO PERSONS SERVED WITH A SUBPOENA**

Subpoena to Appear at Trial, at Hearing, or at Deposition

1. If this subpoena commands you to appear to give testimony at trial or at hearing, you must appear in person at the place designated in the subpoena.
2. If this subpoena commands you to appear to give testimony at deposition, you must appear in person at the place designated in the subpoena. If you are a resident of Utah, the subpoena may command you to appear only in the county where you reside, or where you are employed, or where you transact business in person, or where the court orders you to appear. If you are not a resident of Utah, the subpoena may command you to appear only in the county where you are served with the subpoena, or where the court orders.
3. If this subpoena commands you to appear to give testimony at trial, at hearing, or at deposition, but does not command you to produce or to permit inspection and copying of documents or tangible things, or inspection of premises, you have the right to object if the subpoena:

- a. imposes an undue burden or expense upon you;
  - b. does not allow you a reasonable time to comply, which may be less than 14 days, depending on the circumstances; or
  - c. commands you to appear at deposition at a place in violation of paragraph 2, above.
4. To object to complying with the subpoena, you must file with the court issuing the subpoena a motion to quash or modify the subpoena. You must comply with the subpoena unless you have obtained a court order granting you relief from the subpoena.

Subpoena to Produce or to Permit Inspection of Documents or Tangible Things or to Permit Inspection of Premises

5. If this subpoena commands you to produce or to permit inspection and copying of documents or tangible things, or to permit inspection of premises, but does not command you to appear to give testimony at trial, at a hearing, or at a deposition:
- a. you need not appear in person at the place of production or inspection;
  - b. you must produce documents as you keep them in the ordinary course of business or organize and label them to correspond with the categories demanded in the subpoena; and
  - c. you need not make any copies or advance any costs for production, inspection or copying. If you agree to make copies, the party who has served the subpoena upon you must pay the reasonable costs of production and copying.
6. You have the right to object if the subpoena:
- a. imposes an undue burden or expense upon you;
  - b. does not allow you at least 14 days to comply, unless the party serving the subpoena has obtained a court order requiring an earlier response;
  - c. requires you to disclose a trade secret or other confidential research, development or commercial information;
  - d. requires you to disclose privileged communication with your attorney or privileged trial preparation materials; or
  - e. requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from expert's study made not at the request of any party.

7. To object to a subpoena for one of the reasons stated in paragraph 6, you must provide notice in writing of your objection to the party or attorney serving the subpoena before the date specified in the subpoena for you to respond. If your objection is based on either paragraph 6(c), 6(d), or 6(e), your written objection must describe the nature of the documents, communications or things that you object to producing with sufficient specificity to enable the party or attorney serving the subpoena to contest your objection. You must also comply with the subpoena to the extent that it commands production or inspection of materials to which you do not object.

8. After you make timely written objection, the party who has served the subpoena upon you must obtain a court order to compel you to comply with the subpoena. The party must give you a copy of its motion for a court order and notice of any hearing before the court. You have the right to file a response to the motion with the court and a right to attend any hearing. After you make a timely written objection, you have no obligation to comply with the subpoena until the party serving the subpoena has served you with a court order that compels you to comply.

9. If this subpoena commands you to produce or to permit inspection and copying of documents or tangible things, or to permit inspection of premises, and to appear to give testimony at trial, at a hearing, or at a deposition, you may object to the production or inspection of documents or tangible things, or inspection of premises, by following the procedure identified in paragraph 7. Even though you object to production or inspection of documents or tangible things, or inspection of premises, you must appear in person at the trial, at the hearing or at the deposition unless you obtain an order of the court by following the procedures identified in paragraph 4.